

560-10-12-.01 –First Certificate of Title.

~~An application for the first certificate of title of a new car must be accompanied by a
Manufacturer's Certificate of Origin.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.**
Original Rule entitled "First Certificate of Title" was filed and effective on June 30, 1965.

375-2-12-.01 First Certificate of Title.

An application for the first certificate of title of a new ~~car~~ vehicle must be accompanied
by a Manufacturer's Certificate of Origin.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.**
Original Rule entitled "First Certificate of Title" was filed and effective on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in
light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of
Revenue at Ga. Admin. Comp. Ch. 560-10-12-.01, is repealed, and the amended
regulation is to be published with the regulations of the Department of Motor Vehicle
Safety at Ga. Admin. Comp. Ch. 375-2-12-.01.

The word "car" is replaced with "vehicle" to match the statutory term.

***560-10-12-.02 Sale of Vehicle Pursuant to a Power Contained in a Mortgage.
Amended.***

~~When a vehicle is sold pursuant to a power contained in a mortgage, bill of sale to secure debt or other type security agreement, the purchaser or buyer of such vehicle shall promptly make application for a new title and shall submit with such forms as following:~~

- ~~(a) The last certificate of title, if available.~~
- ~~(b) Form T-16, affidavit for repossessed motor vehicle.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.** Original Rule entitled "Sale of Vehicle Pursuant to a Power Contained in a Mortgage" was filed and effective on June 30, 1965. **Amended:** Filed October 29, 1968; effective November 17, 1968.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.02, is repealed.

560-10-12-.03 Affidavit of Title Held for Lien or Security Interest. Amended.

~~When an owner makes application for a Georgia Certificate of Title on a vehicle from a title state, the owner will submit the title certificate from such other state to the Commissioner with the application for title; should such title certificate be unavailable for the reason that the laws of the State issuing the outstanding title permit the lien or security interest holder to have and keep possession of the certificate of title, then the owner making application for Georgia Certificate of Title will submit Form T-17, Affidavit of Title Held for Lien or Security Interest, with his application in lieu of such title certificate.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91, 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.** Original Rule entitled "Affidavit of Title Held for Lien or Security Interest" was filed and effective on June 30, 1965. **Amended:** Filed October 29, 1968; effective November 17, 1968.

375-2-12-.02 Affidavit of Title Held for Lien or Security Interest. Amended.

When an owner makes application for a Georgia Certificate of Title on a vehicle from a title state, the owner will submit the title certificate from such other state to the Commissioner with the application for title; should such title certificate be unavailable for the reason that the laws of the State issuing the outstanding title permit the lien or security interest holder to have and keep possession of the certificate of title, then the owner making application for Georgia Certificate of Title will submit ~~Form T-17, an~~ Affidavit of Title Held for Lien or Security Interest, and a valid vehicle registration in the name of the applicant with his application in lieu of such title certificate.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91, 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.** Original Rule entitled "Affidavit of Title Held for Lien or Security Interest" was filed and effective on June 30, 1965. **Amended:** Filed October 29, 1968; effective November 17, 1968.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.03, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-12-.02.

The form number is deleted and replaced with a description of the form; the requirement of submission of a valid vehicle registration is added.

560-10-12-.04 Certain Vehicles Exempt from Title Requirements.

~~Motor vehicles owned by non-resident individuals or non-resident corporations that are properly titled in the State of such owner's residence are exempt from the Title requirements of the Motor Vehicle Certificate of Title Act where such vehicle is required to be registered in this state because:~~

- ~~(a) Georgia has no reciprocity agreement on registration and licensing of motor vehicles with the owner's state; or~~
- ~~(b) the vehicle is used in both interstate and intrastate transportation. This does not exempt such vehicles from registration requirements.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1981, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.** Original Rule entitled "Certain Vehicles Exempt from the Title Requirements" was filed and effective on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.04, is repealed.

560-10-12-.05 Tag Agents to Accept Title Applications.

~~All County Tag Agents are required to accept application for title certificates and shall submit daily reports as to such applications as are made.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp 32, 33. **History.**
Original Rule entitled "Tag Agents to Accept Title Applications" was filed and effective on June 30, 1965.

375-2-12-.03 Tag Agents to Accept Title Applications.

All County Tag Agents are required to accept application for title certificates and shall submit ~~daily~~ reports within seven (7) calendar days as to such applications as are made.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp 32, 33. **History.**
Original Rule entitled "Tag Agents to Accept Title Applications" was filed and effective on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.05, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-12-.03.

The reference to daily reports is replaced with a requirement of a report within seven days.

560-10-12-.06 Certified Transcripts of Title Records. Amended.

~~Any person desiring a record search of undisclosed certificates of title, liens, security interest, stolen or converted vehicle notices shall request such information in writing. The fee for such search and certified transcript is one dollar (\$1.00).~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp 32, 33, as amended. **History.** Original Rule entitled "Certified Transcripts of Title Records" was filed and effective on June 30, 1965. **Amended:** Filed July 24, 1970; effective August 13, 1970. **Amended:** Filed November 17, 1971; effective December 7, 1971.

375-2-12-.04 Certified Transcripts of Title Records. Amended.

Any person desiring a record search of undisclosed certificates of title, liens, or security interests, ~~stolen or converted vehicle notices~~ shall request such information in writing from the Commissioner of Motor Vehicle Safety on forms provided by the Commissioner. The fee for such search shall be five dollars (\$5.00) per vehicle and a certified transcript is one dollar (\$1.00) ten dollars (\$10.00) per vehicle.

Authority Ga. L. 1937-38, Extra Sess., pp 77, 81, 82, 91; 1961, pp. 68, 69, 71, 88; 1963, pp 32, 33, as amended. **History.** Original Rule entitled "Certified Transcripts of Title Records" was filed and effective on June 30, 1965. **Amended:** Filed July 24, 1970; effective August 13, 1970. **Amended:** Filed November 17, 1971; effective December 7, 1971.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.06, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-12-.04.

The reference to stolen or converted vehicle reports is repealed; such status is no longer maintained by the Department. A reference to the Commissioner of Motor Vehicle Safety is added. A separate fee is to be charged for both a search and for a certified transcript.

560-10-12-.07 Return of Rejected Title Applications. Amended.

~~A title application which is rejected shall be returned to the party who is responsible under Georgia Law for submitting the application to the Commissioner.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71; Ga. Code Sec. 91A-215. **History.** Original Rule entitled "Return of Incorrect or Incomplete Title Applications" was filed and effective on June 30, 1965. **Amended:** Rule repealed Filed April 7, 1980; effective April 27, 1980. **Amended:** Rule entitled "Return of Rejected Title Applications" adopted. Filed August 7, 1980; effective August 27, 1980.

375-2-12-.05 Return of Rejected Title Applications. Amended.

A title application which is rejected shall be returned, along with any fees submitted, to the seller if sold by a Georgia licensed dealer, to the holder of a security interest or lien if submitted by such a holder, or to the owner or other party who is responsible under Georgia Law for submitting the application to the Commissioner.

Authority Ga. L. 1961, pp. 68, 71; Ga. Code Sec. 91A-215. **History.** Original Rule entitled "Return of Incorrect or Incomplete Title Applications" was filed and effective on June 30, 1965. **Amended:** Rule repealed Filed April 7, 1980; effective April 27, 1980. **Amended:** Rule entitled "Return of Rejected Title Applications" adopted. Filed August 7, 1980; effective August 27, 1980.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.07, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-12-.05.

The language concerning the return of rejected title applications is clarified to reflect that the applications are to be returned to the party who is responsible for submitting the application. The regulation is also clarified to provide for return of submitted fees if the application is rejected.

560-10-12-.08 Proof of Ownership of Vehicles Previously Registered Out of State.

~~When an owner submits an application for a certificate of title on a vehicle which was last previously registered by another state and on which no certificate of title has been issued, a proper bill of sale from an out-of-state dealer shall be sufficient evidence of ownership of the vehicle to authorize the issuance of a Georgia motor vehicle certificate of title for such vehicle.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; 1981, pp. 68, 69, 71, 88; 1963, pp. 32, 33. **History.** Original Rule entitled "Certain Vehicles Exempt from the Title Requirements" was filed and effective on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.08, is repealed.

560-10-12-.09 Application for a Certificate of Title of a Vehicle Last Previously Registered in a Non-Title State or Country.

~~An application for a certificate of title of a vehicle previously registered in a non title state or country must be accompanied by a Certification of Inspection by a Duly Constituted City, County or State Law Enforcement Officer, Form T-22B. The effective date of this rule is to be September 1, 1970.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; Ga. L. 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33, all as amended. **History.** Original Rule entitled "Application for a Certificate of Title of a Vehicle Last Previously Registered in a Non-Title State or Country" was filed on August 7, 1970; effective September 1, 1970, as specified by the Agency.

375-2-12-.06 Application for a Certificate of Title of a Vehicle Last Previously Registered in a Non-Title State or Country.

An application for a certificate of title of a vehicle previously registered in a non-title state or country must be accompanied by a valid certificate of registration and a Certification of Inspection by a Duly Constituted City, County or State Law Enforcement Officer, certified in the State of Georgia, on Form T-22B. ~~The effective date of this rule is to be September 1, 1970.~~

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; Ga. L. 1961, pp. 68, 69, 71, 88; 1963, pp. 32, 33, all as amended. **History.** Original Rule entitled "Application for a Certificate of Title of a Vehicle Last Previously Registered in a Non-Title State or Country" was filed on August 7, 1970; effective September 1, 1970, as specified by the Agency.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.09, is repealed, and the amended

regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-12-.06.

A provision is added requiring submission of a valid certificate of registration. The reference to law enforcement officers is modified to reflect the enactment of the Peace Officers' Standards and Training Act, O.C.G.A. § 35-8-1 *et seq.* Language specifying the effective date of the original rule is repealed as surplusage.

560-10-12-.10 Sale of Abandoned Vehicle.

~~When a vehicle is sold as an abandoned vehicle, the purchaser or buyer of such abandoned vehicle shall promptly make application for a Georgia Certificate of Title and shall submit with such application the following:~~

~~(a) The last certificate of title, if available.~~

~~(b) Form T-6, Affidavit Sale of Abandoned Vehicle.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 81, 82, 91; Ga. L. 1961, pp. 68, 71, all as amended. **History.** Original Rule entitled "Sale of Abandoned Vehicle" was filed on April 4, 1973; effective April 24, 1973.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.10, is repealed.

560-10-12-.11 Special Handling of Applications for Certificates of Title and Related Documents.

~~Effective June 1, 1992, the Commissioner shall be paid a \$10.00 handling fee for each title application receiving special processing by the Motor Vehicle Division. The \$10.00 special handling fee shall be in addition to the \$18.00 filing fee which is normally due.~~

Repealed.

Authority O.C.G.A. Secs. [48-2-12](#), 40-3-3, 40-3-36, 40-3-38. **History.** Original Rule entitled "Special Handling of Applications for Certificate of Title and Related Documents" was filed on July 11, 1984; effective July 31, 1984. **Repealed:** ER 560-10-12-0.9 was F. on May 29, 1992 and eff. June 1, 1992, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter. **Repealed:** Permanent Rule, same title, adopted. F. Sept. 8, 1992; eff. Sept. 28, 1992.

375-2-12-.07 Special Handling of Applications for Certificates of Title and Related Documents.

~~Effective June 1, 1992, the Commissioner shall be paid an additional \$10.00 handling fee for each title application submitted in person at the Department's central Motor Vehicle Services facility, or request for expedited processing by mail ~~receiving special processing by the Motor Vehicle Division~~. The \$10.00 special handling fee shall be in addition to the ~~\$18.00 filing~~ any other fee which is ~~normally~~ due.~~

Authority O.C.G.A. Secs. [48-2-12](#), 40-3-3, 40-3-36, 40-3-38. **History.** Original Rule entitled "Special Handling of Applications for Certificate of Title and Related Documents" was filed on July 11, 1984; effective July 31, 1984. **Repealed:** ER 560-10-12-0.9 was F. on May 29, 1992 and eff. June 1, 1992, the date of adoption to remain in effect for a period of 120 days or until the effective date of a permanent Rule covering the same subject matter. **Repealed:** Permanent Rule, same title, adopted. F. Sept. 8, 1992; eff. Sept. 28, 1992.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-12-.11, is repealed, and the amended

regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-12-.07.

A provision is added to clarify that special handling includes both expedited processing and applications submitted in person. Language specifying the effective date of the previous rule is repealed as surplusage.

560-10-13-.01 -Definitions.

In construing these regulations and in construing H. B. 618 of the 1965 Session of the Georgia General Assembly providing a new Section 20 to the "Motor Vehicle Certificate of Title Act", the following definitions and those found in Sec. 2 of the "Motor Vehicle Certificate of Title Act" shall apply:

- ~~(a) Vehicle. Vehicle shall have the meaning given it in Section 2 of the "Motor Vehicle Certificate of Title Act", except that such a vehicle must be a vehicle which was manufactured less than five years prior to the then current model year; provided each model year commences on January 1st of each year.~~
- ~~(b) Wreckage or Salvage. A vehicle which has been broken, disrupted or damaged to such an extent that it will not pass a Georgia State motor vehicle safety inspection and is sold, or in any manner disposed of, while in that condition. Any owner of a vehicle (which has been broken, disrupted, or damaged to such an extent that it will not pass a Georgia State motor vehicle safety inspection) who desires to sell or dispose of that vehicle other than as wreckage or salvage must so repair the vehicle that it will pass a Georgia State motor vehicle inspection prior to being sold or disposed of by the owner. A vehicle to which any person, including an insurance company, has taken title in the settlement of a claim for damages to such vehicle by fire, collision, or other causes in wreckage or salvage regardless of the actual condition of the vehicle.~~
- ~~(c) Scraps. Is to dispose of a vehicle as wreckage or salvage.~~
- ~~(d) Fire, Collision or Other Causes. Fire, collision or other causes shall mean fire, collision or other direct casualty damage to a vehicle and shall include the removal of a major component part from the vehicle, but shall not include the theft of the entire vehicle.~~
- ~~(e) Insurance Company. Shall mean every insurance company dealing or concerned with a vehicle as defined herein and shall include self-insurers.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.

Administrative History. Original Rule was filed on June 30, 1965.

375-2-13-.01 Definitions.

In construing these regulations and in construing H. B. 618 of the 1965 Session of the Georgia General Assembly providing a new Section 20 to the "Motor Vehicle Certificate of Title Act", the following definitions and those found in Sec. 2 of the "Motor Vehicle Certificate of Title Act" shall apply:

(a) Vehicle. The term "Vehicle" shall have the meaning given it in O.C.G.A. § 40-1-1(75) Section 2 of the "Motor Vehicle Certificate of Title Act", except that such a vehicle must be a vehicle which was manufactured less than five years prior to the then current model year; provided each model year commences on January 1st of each year.

(b) Wreckage or Salvage Vehicle. The term "wreckage or salvage vehicle shall have the meaning given it in O.C.G.A. § 40-3-2(11) A vehicle which has been broken, disrupted or damaged to such an extent that it will not pass a Georgia State motor vehicle safety inspection and is sold, or in any manner disposed of, while in that condition. Any owner of a vehicle (which has been broken, disrupted, or damaged to such an extent that it will not pass a Georgia State motor vehicle safety inspection) who desires to sell or dispose of that vehicle other than as wreckage or salvage must so repair the vehicle that it will pass a Georgia State motor vehicle inspection prior to being sold or disposed of by the owner. A vehicle to which any person, including an insurance company, has taken title in the settlement of a claim for damages to such vehicle by fire, collision, or other causes in wreckage or salvage regardless of the actual condition of the vehicle.

(c) Scraps. Derelict. The term "derelict" shall have the meaning given it in O.C.G.A. § 40-11-9 Is to dispose of a vehicle as wreckage or salvage.

(d) Fire, Collision or Other Causes. Fire, collision or other causes shall mean fire, collision or other direct casualty damage to a vehicle and shall include the removal of a major component part from the vehicle, but shall not include the theft of the entire vehicle. Rebuilt. The term "rebuilt" shall have the same meaning given it in O.C.G.A. § 40-3-2(10).

(e) Insurance Company. Shall mean every insurance company dealing or concerned with a vehicle as defined herein and shall include self-insurers Manufacturer buyback. The term "manufacturer buyback" shall mean a vehicle replaced or repurchased by the manufacturer pursuant to the Motor Vehicle Warranty Rights Act, O.C.G.A. § 10-1-780 et seq.

(f) Fire Damage. The term "fire damage" shall have the same meaning given it in O.C.G.A. § 40-2-36.1.

(g) Surety Bond Title. The term "surety bond title" shall mean a title issued to a vehicle pursuant to the provisions of O.C.G.A. § 40-3-28, which title shall be branded so as to read: "This Title was issued on the basis of a surety bond and may be subject to undisclosed liens, security interests, salvage, odometer reading discrepancy, or other conditions."

(h) Stolen/unrecovered. The term "stolen/unrecovered" shall mean a vehicle that has been reported stolen, on which an insurance carrier has paid a total loss claim, and which has not yet been recovered by a law enforcement agency.

(i) Assembled. The term "assembled" means a vehicle put together from individual parts and/or major component parts by a person who is not a vehicle manufacturer.

(j) Replacement title. The term "replacement title" shall have the same meaning given it in O.C.G.A. § 40-3-31.

(k) Previously salvaged vehicle. The term "previously salvaged vehicle" means a rebuilt vehicle that is not a salvage motor vehicle as that term is defined in O.C.G.A. § 40-3-2(11).

(l) Brand. The term “brand” means a legend placed on a title by the State of Georgia or by any other jurisdiction. Every brand issued by Georgia or another jurisdiction shall be carried forward and printed on the Georgia certificate of title issued by the Department. Brands so recognized include, but are not limited to, Lemon Law, Rebuilt, Special Construction, Valid and assignable certificate of title and may be subject to undisclosed liens and security interests, OOS Salvage, or any other brands that may be noted on the Department’s records.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91, all as amended; O.C.G.A. § 40-3-24. **Administrative History.** Original Rule was filed on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.01, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-13-.01.

In paragraphs (a) and (b), definitions are made with reference to the governing statutory definitions, rather than using unique definitions for terms with other meanings in statute. Paragraphs (c) – (l) are new definitions to conform to statutory amendments.

560-10-13-.02 –Stolen Automobiles. Amended.

In applying these regulations and section twenty (20) of the "Motor Vehicle Certificate of Title Act" to stolen vehicles the following rules shall apply:

(a) The theft of the vehicle shall be reported as provided in section thirty-two (32) of the "Motor Vehicle Certificate of Title Act."

(b) If the vehicle remains missing and an insurance company becomes the owner by virtue of having paid off a policyholder, the owner shall assign the title over to the insurance company in the space provided on the certificate of title. The insurance company shall take no further action concerning the certificate of title and shall hold it until the vehicle is recovered.

(c) If an insurance company has paid its policyholder and received from him the assigned certificate of title and the vehicle is subsequently recovered in an undamaged condition, the company shall, at that time, execute an application for a certificate of title in its own name. A separate application in the name of a new purchaser may be submitted at the same time.

(d) If an insurance company has paid its policyholder and has received from him the assigned certificate of title and the vehicle is subsequently recovered in a damaged condition, as a consequence of fire, collision or other cause, Regulation 560-10-13-.11 of these regulations shall apply to the insurance company as the owner of the vehicle.

(e) If an insured vehicle is stolen but is recovered in a damaged condition, as a consequence of fire, collision or other cause, before the owner assigns the title to the insurance company, then Regulation 560-10-13-.12 of these regulations shall apply.

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 12, 1971; effective August 1, 1971. **Amended:** Filed November 17, 1971; effective December 7, 1971.

375-2-13-.02 Stolen Vehicles. Amended.

In applying these regulations and section twenty (20) of the "Motor Vehicle Certificate of Title Act" to stolen vehicles the following rules shall apply:

(a) The theft of the vehicle shall be reported as provided in section thirty-two (32) of the "Motor Vehicle Certificate of Title Act."

(b) If the vehicle remains missing and an insurance company becomes the owner by virtue of having paid off a policyholder, the owner shall assign the title over to the insurance company in the space provided on the certificate of title. The insurance company shall take no further action concerning the certificate of title and shall hold it until the vehicle is recovered.

(c) If an insurance company has paid its policyholder and received from him the assigned certificate of title and the vehicle is subsequently recovered in an undamaged condition, the company shall, at that time, execute an application for a certificate of title in its own name. A separate application in the name of a new purchaser may be submitted at the same time.

(d) If an insurance company has paid its policyholder and has received from him the assigned certificate of title and the vehicle is subsequently recovered in a damaged condition, as a consequence of fire, collision or other cause, Regulation 560-10-13-.11 of these regulations shall apply to the insurance company as the owner of the vehicle.

~~(e) If an insured vehicle is stolen but is recovered in a damaged condition, as a consequence of fire, collision or other cause, before the owner assigns the title to the insurance company, then Regulation 560-10-13-.12 of these regulations shall apply. The theft or recovery of a vehicle shall be reported as provided in O.C.G.A. § 40-3-5.~~

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended; O.C.G.A. § 40-3-5. **Administrative History.** Original Rule was filed on June 30, 1965. **Amended:** Filed July 12, 1971; effective August 1, 1971. **Amended:** Filed November 17, 1971; effective December 7, 1971.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.02, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-13-.02.

The regulation is amended in light of the codification of the requirements in this area.

560-10-13-.03 Inability to Fully Comply with these Regulations. Amended.

~~Whenever any person is, because of condition beyond his control, unable to fully comply with section twenty (20) of the "Motor Vehicle Certificate of Title Act" and these regulations, he shall nevertheless comply to the extent possible and he shall, in writing, set forth the reasons for his inability to fully comply.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.

Administrative History. Original Rule was filed on June 30, 1965.

375-2-13-.03 Reserved.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.02, is repealed.

560-10-13-.04 Application of these Regulations. Amended.

~~Section twenty (20) of the "Motor Vehicle Certificate of Title Act" and these regulations shall apply to all vehicles titled in Georgia regardless of where the vehicle is located and regardless of where any insurance company settlement takes place. This Act and the regulations shall also apply to all vehicles that are scrapped, dismantled or destroyed in Georgia, or that are sold as wreckage or salvage in Georgia or that are the subject of an insurance company settlement in Georgia or that are purchased out of state as wreckage or salvage and brought into Georgia as wreckage or salvage.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 12, 1971; effective August 1, 1971. **Amended:** Filed November 17, 1971; effective December 7, 1971.

375-2-13-.04 Application of these Regulations. Amended.

~~Section twenty (20) of t~~The "Motor Vehicle Certificate of Title Act" and these regulations shall apply to all vehicles titled in Georgia regardless of where the vehicle is located and regardless of where any insurance company settlement takes place. This Act and the regulations shall also apply to all vehicles that are scrapped, dismantled or destroyed in Georgia, or that are sold as wreckage or salvage in Georgia or that are the subject of an insurance company settlement in Georgia or that are purchased out of state as wreckage or salvage and brought into Georgia as wreckage or salvage.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 12, 1971; effective August 1, 1971. **Amended:** Filed November 17, 1971; effective December 7, 1971.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.04, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-13-.04.

The words "Section twenty (20) of" are deleted.

560-10-13-.05 Application to Insurance Companies.

~~The "insurance companies" to which these regulations apply shall include every insurance company including any person who operates as a self-insurer, that makes any settlement for a claim for damages to a Georgia titled vehicle as a consequence of theft, fire, collision or other causes or takes record or legal title or the beneficial interest in a vehicle under such conditions. These regulations shall apply to all such companies whether or not they are licensed to do business in Georgia; and these regulations shall apply to all such companies regardless of where the loss to the vehicle takes place or where the contract settlement takes place, whether in Georgia or outside of the State. All insurance company settlements made in Georgia shall come under this act and these regulations whether the vehicle which is the subject of the settlement is titled in Georgia or elsewhere.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.
Administrative History. Original Rule was filed on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.05, is repealed.

**560-10-13-.06 Insurance Settlements with Parties Other than the Insured.
Amended.**

~~Regulation 560-10-13-.12 of these regulations shall apply to all insurance settlements including any settlements made with third parties other than the insured.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 72, 83; 1937-38 Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 12, 1971; effective August 1, 1971. **Amended:** Filed November 17, 1971; effective December 7, 1971.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.06, is repealed.

560-10-13-.07 When Rebuilt Vehicles to be Titled. Amended.

~~Whenever any vehicle, which has had the title cancelled under section twenty (20) of the "Motor Vehicle Certificate of Title Act," or under these regulations, is rebuilt, the owner shall reapply for a title as provided in section eight (8) of the "Motor Vehicle Certificate of Title Act." When applying for a title on a rebuilt vehicle, the application shall have attached to it a sworn statement giving the certificate of title number and identification number which were previously assigned to that vehicle. Such applications shall otherwise be supported by documents showing a complete chain of title from the previous owner (who had surrendered the previous title) down to the present application. In no case shall a new title be issued on a vehicle which is inoperative, or which prior to being retitled fails to pass the Georgia State Motor Vehicle Safety Inspection.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 2, 1975; effective July 22, 1975.

375-2-13-.05 When Rebuilt Vehicles to be Titled. Amended.

~~Whenever a~~Any vehicle, upon ~~which has had the title~~ has been ~~cancelled under section twenty (20) of the "Motor Vehicle Certificate of Title Act," or under these regulations, is rebuilt, the owner shall reapply for a title as provided in section eight (8) of the "Motor Vehicle Certificate of Title Act." When applying for a title on a rebuilt vehicle, the application shall have attached to it a sworn statement giving the certificate of title number and identification number which were previously assigned to that vehicle. Such applications shall otherwise be supported by documents showing a complete chain of title from the previous owner (who had surrendered the previous title) down to the present application. In no case shall a new title be issued on a vehicle which is inoperative, or which prior to being retitled fails to pass the Georgia State Motor Vehicle Safety Inspection~~ shall not be titled or registered in this state.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 2, 1975; effective July 22, 1975.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.07, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-13-.05.

Language establishing a procedure for retitling a scrapped vehicle is deleted and replaced with language prohibiting a vehicle upon which a title has been cancelled from again being titled in the State of Georgia.

***560-10-13-.08 An Owner who Scraps, Dismantles or Destroys a Vehicle.
Amended.***

~~Whenever any owner scraps, dismantles or destroys a vehicle, he shall, within 72 hours, mail or deliver the certificate of title for that vehicle to the Commissioner of Revenue for cancellation. The surrendered certificate of title shall have the assignment to any new owner completed thereon as is otherwise provided by law.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 2, 1975; effective July 22, 1975.

375-2-13-.06 An Owner who Scraps, Dismantles or Destroys a Vehicle. Amended.

Whenever any owner scraps, dismantles or destroys a vehicle, he shall, within 72 hours, mail or deliver the certificate of title for that vehicle to the ~~Commissioner of Revenue~~ Department of Motor Vehicle Safety for cancellation. The surrendered certificate of title shall have the assignment to any new owner completed thereon as is otherwise provided by law.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 2, 1975; effective July 22, 1975.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to amend an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.08, is repealed, and the amended regulation is to be published with the regulations of the Department of Motor Vehicle Safety at Ga. Admin. Comp. Ch. 375-2-13-.06.

The reference to the "Commissioner of Revenue" is replaced with the phrase "Department of Motor Vehicle Safety."

560-10-13-.09 An Owner Who Sells a Vehicle as Wreckage or Salvage or Purchases a Vehicle as Wreckage or Salvage out of state and Brings It into Georgia. Amended.

~~Whenever any owner sells a vehicle as wreckage or salvage or purchases a vehicle as wreckage or salvage out of state and brings it into Georgia, he shall within 72 hours mail or deliver the certificate of title for that vehicle to the Commissioner of Revenue for cancellation. The surrendered certificate of title shall have the assignment to any new owner completed thereon as is otherwise provided by law.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended.** Original Rule entitled "An Owner Who Sells a Vehicle as Wreckage or Salvage" repealed and a new Rule entitled "An Owner Who Sells a Vehicle as Wreckage or Salvage or Purchases a Vehicle as Wreckage or Salvage Out of State and Brings It Into Georgia" adopted. Filed July 12, 1971; effective August 1, 1971. **Amended:** Filed November 17, 1971; effective December 7, 1971. **Amended:** Filed July 2, 1975; effective July 22, 1975.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.09, is repealed.

560-10-13-.10 An Owner Who Disposes of a Vehicle as Wreckage or Salvage Other than by a Sale. Amended.

~~Whenever any owner disposes of a vehicle as wreckage or salvage other than by sale, he shall within 72 hours mail or deliver the certificate of title for that vehicle to the Commissioner of Revenue for cancellation. Provided that disposing of a vehicle by other than a sale shall include gifts, trade, legal levies, or any other manner other than sale in which the owner parts with the property in the vehicle. The surrendered certificate of title shall have the assignment to any new owner completed thereon as is otherwise provided by law.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 2, 1975; effective July 22, 1975.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.10, is repealed.

560-10-13-.11 Any Person Taking Legal Title to or the Beneficial Interest in a Vehicle as a Consequence of the Settlement of an Insurance Company Claim Arising From Fire, Collision, or Other Causes. Amended.

~~Whenever any person, including an insurance company, takes record title, the legal title, or the beneficial interest in a vehicle as a consequence of the settlement of a claim for damages to such vehicle by fire, collision or other causes, that vehicle shall be held and deemed to be wreckage or salvage, regardless of the actual condition of the vehicle, and such person acquiring the property or beneficial interest in such vehicle under such circumstances shall be held and deemed to be the owner of such wrecked or salvaged vehicle, whether or not he has ever become the owner of record, and such person shall surrender the certificate of title to the Commissioner of Revenue for cancellation. The surrendered certificate of title shall have the assignment to any new owner complete thereon as is otherwise provided by law.~~

Repealed.

Authority Ga. L. 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91; 1961, pp. 68, 71, 83; all as amended.

Administrative History. Original Rule was filed on June 30, 1965. **Amended:** Filed July 2, 1975; effective July 22, 1975.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.11, is repealed.

560-10-13-.12 Insurance Company Settlements.

~~Whenever any insurance company in the settlement of a claim for damages to a vehicle resulting from fire, collision or other causes makes a settlement of a claim but the record title, legal title, or the beneficial interest in such vehicle is not transferred, then the insurance company shall file a notice with the Commissioner if the vehicle which is the subject of the settlement is in an inoperative condition, at the time of the settlement. Where payment is made directly to a person who has repaired the vehicle, no notice is required. The notice filed with the State Revenue Commissioner shall describe the vehicle by title number, manufacturer's identification number, make, model, and year, and give the adjuster's estimate of the repair cost and shall show the person who received the legal title or beneficial interest in the damaged vehicle. Settlements with persons other than the insured are included and are covered by this section.~~

Repealed.

Authority Ga. L. 1961, pp. 68, 71, 83; 1937-38, Extra Sess., pp. 77, 80, 81, 82, 91, all as amended.
Administrative History. Original Rule was filed on June 30, 1965.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to repeal an existing regulation in light of the amendments to the governing statutes.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation, published with the regulations of the Department of Revenue at Ga. Admin. Comp. Ch. 560-10-13-.12, is repealed.

375-2-31-.01 Abandoned Motor Vehicles.

(1) The term “abandoned motor vehicle” shall have the same meaning in these regulations as that given in Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated.

(2) A person who removes a vehicle from public or private property at the request of a law enforcement officer shall:

(a) Have a motor carrier of property permit issued by the Department;

(b) Be properly licensed and registered in accordance with the provisions of Chapter 2 of Title 40 of the Official Code of Georgia Annotated.

(c) Use proper equipment so as not to damage the removed vehicle in addition to any damage incurred prior to removal; and

(d) Obtain a customer number from the Department.

Authority O.C.G.A. § 40-11-1 *et seq.* **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify the conditions precedent to the lawful removal of an abandoned motor vehicle at the request of law enforcement officers.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

375-2-31-.02 Notice to Owner, Lessor, Lessee, or Holder of a Security Interest or Lien.

(a) After removal of a vehicle from either public or private property, the person removing the vehicle must, no later than three (3) business days after removal, seek to obtain the following information from the appropriate local law enforcement agency:

- (1) the name and address of the owner or lessor of the vehicle;
- (2) if the vehicle is leased, the name and address of the lessee; and
- (3) the name and address of any holder of a security interest or lien, if one exists.

(b) If the vehicle is removed at the request of a law enforcement officer, such officer shall furnish the information required in paragraph (a) of this regulation no later than three (3) business days after the removal.

(c) The person removing the vehicle shall provide written notification of the removal to the owner, lessor, lessee, and any holder of a security interest or lien no later than the seventh business day after removal, or one (1) business day after receipt of information from the law enforcement agency, whichever is later, of:

- (1) The location of the vehicle;
- (2) All fees connected with the removal and storage of the vehicle; and
- (3) Notice that the vehicle will be subject to a lien in favor of the person holding the vehicle unless the vehicle is redeemed within thirty (30) days.

(d) The written notification to the owner, lessor, lessee, and any holder of a security interest or lien shall be transmitted by:

- (1) Personal delivery, accompanied by written acknowledgement of such delivery;
- (2) certified mail, return receipt requested; or
- (3) statutory overnight delivery.

In addition, an additional duplicate copy of said notification shall also be transmitted by first class mail, postage prepaid.

(e) If a vehicle removed from public or private property becomes an abandoned motor vehicle, the person removing the vehicle shall document in writing a search of the vehicle for incorrect vehicle identification numbers ("VIN"s), previous registrations, repair records, or any other information that can reveal the last state of registration or vehicle title. Should this search reveal that the vehicle has been registered or titled in another state, the person must obtain the name and address of the owner, lessor, lessee, and the holder of any security interest or lien from that state prior to taking any further action.

(f) All documentation and information obtained as a result of a search for identifying information shall be furnished to a court of competent in any proceeding to foreclose on a lien created under Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated.

Authority O.C.G.A. § 40-11-1 *et seq.* **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify the conditions precedent to the creation of a lien on a vehicle removed from public or private property.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

375-2-31-.03 Notice of Lien to be submitted to Department.

(a) If, after proper notice to the owner, lessor, lessee, and any holder of a security interest or lien, a vehicle has not been redeemed within thirty (30) days and the vehicle becomes an abandoned motor vehicle, the person removing the vehicle may assert the lien so created by submitting their affidavit and the required fees to the Department or to the county tag agent in the county where the vehicle is held.

(b) Within seven (7) calendar days from the date upon which the vehicle became an abandoned motor vehicle, the person removing the vehicle must submit notice to the Department containing:

(1) The name, customer number, street address, and telephone number of the person removing the vehicle;

(2) The name(s) and address of all known owner(s), lessor(s), lessee(s), and holder(s) of any security interest or lien;

(3) A complete description of the vehicle, including vehicle identification number ("VIN"), make, model, year, and color;

(4) The location from which the vehicle was removed;

(5) The current location of the vehicle; and

(6) The date on which the vehicle was removed.

(c) Upon receipt of the notice and fees, the Department will provide a notice to be mailed to each owner, lessor, lessee, and holder of a security interest or lien declaring that the vehicle has become an abandoned motor vehicle and that the person removing the vehicle intends to assert the lien created by law for the accrued fees for the removal and storage of the vehicle. Said notice will advise each owner, lessor, lessee, and holder of a security interest or lien of the name of the person removing the vehicle, the current location of the vehicle, and the fact that the lien will be perfected, and foreclosure action may begin, thirty (30) days after the date of the notice.

(d) The person removing the vehicle shall, within five (5) calendar days after receipt of the notice from the Department or the county tag agent, transmit the notice to the owner, lessor, lessee, and any holder of a security interest or lien by:

(1) Personal delivery, accompanied by a written acknowledgement of delivery;

(2) Certified mail, return receipt requested; or

(3) Statutory overnight delivery.

In addition, an additional duplicate copy of said notification shall also be transmitted by first class mail, postage prepaid.

(e) If the person removing the vehicle has complied with the requirements of Ga. Admin. Comp. Ch. 375-2-31-.02, and the person cannot obtain any information reflecting the name of the owner, lessor, lessee, or any holder of a security interest or lien, the person must post the notice in the county from which the vehicle was removed. Said notice shall be placed in a newspaper of general circulation or, if there is no such newspaper, shall be posted at the county courthouse with other public notices. The notice shall run in the newspaper once per week for two consecutive weeks or be posted at the county courthouse for two consecutive weeks.

(f) All forms and notices referred to in this regulation shall be prescribed by and obtained from the Department.

Authority O.C.G.A. § 40-11-1 *et seq.* **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify the conditions precedent to the creation of a lien and foreclosure of that lien on an abandoned vehicle.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.

375-2-31-.04 Foreclosure of Abandoned Vehicle Lien.

(a) Any lawfully perfected lien on an abandoned motor vehicle may be foreclosed by submission of an affidavit, on a form prescribed by and obtained from the Department, with a court of competent jurisdiction. Such affidavit must be filed no later than one (1) year from the date of perfection of the lien.

(b) Prior to the filing of the affidavit with the court, the person removing the vehicle must give notice, on a form prescribed by the Department, to any owner, lessor, lessee, and any holder of a security interest or lien of the following:

(1) That the owner, lessor, lessee, and any holder of a security interest or lien has the right to a judicial hearing to determine the validity of the lien;

(2) That the owner, lessor, lessee, and any holder of a security interest or lien must file a petition for a judicial hearing within ten (10) days of receipt of said notice;

(3) That the failure to so petition a court of competent jurisdiction shall operate as a waiver of the right to a hearing to determine the validity of the lien;

(4) That the owner, lessor, lessee, and any holder of a security interest or lien must provide a copy of such petition to the person removing the vehicle; and

(5) That the owner, lessor, lessee, and any holder of a security interest or lien may, in the alternative submit an affidavit disclaiming any interest in the vehicle, which affidavit shall be controlling in any judicial proceeding concerning such lien.

Authority O.C.G.A. § 40-11-1 *et seq.* **History.**

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

This regulation is enacted to specify the conditions precedent to the judicial foreclosure of a lien on an abandoned vehicle.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

This is a new regulation. There is no existing rule.